

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

JOSEPH JIMENEZ,

Plaintiff, NO.

v.

COMPLAINT

WALMART, INC., a foreign corporation, d/b/a  
WALMART #4137, and J. Does 1-10;

Defendants.

The Plaintiff, Joseph Jimenez, for his cause of action against the Defendants, and each of them, alleges as follows:

**I. PARTIES, JURISDICTION & VENUE**

1. The Plaintiff, Joseph Jimenez, is now, and was at all times material hereto, a married man, and resident of Pierce County, Washington.

2. Upon information and belief, the Defendant Walmart, Inc., d/b/a Walmart Super Center #4137, is now and was at all times material hereto, a foreign corporation which owns property and transacts business in Pierce County, Washington.

3. Upon information and belief, Defendants J. Does 1-10, are natural persons whose true identities are currently unknown to Plaintiff. These individuals may share some responsibility for Plaintiff's injuries, and their identities are unknown to Plaintiff.

COMPLAINT

PAGE 1 of 4

**Wattel & York, LLC**  
6314 19th St W Ste 15  
Fircrest, WA 98466-6223  
Tel: (253) 471-1075  
Fax: (253) 471-1077

1           4. All acts and omissions alleged herein occurred in Tacoma, Pierce County,  
2 Washington. Venue is proper in Pierce County.

3                           **II. CLAIM FOR NEGLIGENCE AGAINST DEFENDANTS**

4           5. On or about December 19, 2019, plaintiff, Joseph Jimenez, was a guest and business  
5 invitee of Walmart, Inc., dba Walmart Super Center #4137, 1965 S. Union Ave., Tacoma, WA.  
6 While at the facility, Plaintiff was injured when he entered the store and slipped on water on the  
7 floor.

8           6. Defendant Walmart, Inc. dba Super Center #4137, its owners, managers, agents  
9 and/or employees J. Doe 1-10 owed Plaintiff a duty of care. This included a duty to use reasonable  
10 care to maintain the shopping areas and walkways in a safe manner to prevent the creation of a  
11 dangerous situation, a duty to use reasonable care to repair any dangerous condition, a duty to warn  
12 of dangerous conditions, a duty to inspect for dangerous conditions, and a duty to protect Plaintiff  
13 against known dangers.

14           7. Defendant Walmart, Inc. dba Super Center #4137, its owners, managers, agents  
15 and/or employees J. Doe 1-10 breached their duties of care by creating a dangerous condition and  
16 by failing to warn Plaintiff of the dangerous condition.

17           8. Defendants Walmart, Inc. dba Super Center #4137, its owners, managers, agents  
18 and/or employees J. Doe 1-10 acted within the scope of their agency or employment with Walmart,  
19 Inc. Defendant Walmart, Inc. is vicariously liable for the acts or omissions of Defendants John  
20 Does 1-5.

21           9. Defendant Walmart, Inc., dba Super Center #4137, its owners, managers, agents  
22 and/or employees, and J. Doe 1-10 negligently failed to provide a safe environment for its guests  
23 and business invitees.

10. Defendants Walmart, Inc., dba Super Center #4137, its owners, managers, agents and/or employees, and J. Doe 1-10 negligently failed to supervise the area to prevent injury to their patrons.

11. As a proximate result of the negligence of Walmart, Inc., dba Super Center #4137, its owners, managers, agents and/or employees, and J. Doe 1-10, Plaintiff, Joseph Jimenez suffered a serious injury.

12. Defendant Walmart, Inc. dba Super Center #4137, its owners, managers, agents and/or employees J. Doe 1-10 breached their duties of care by creating a dangerous condition and by failing to warn Plaintiff of the dangerous condition.

13. Defendants Walmart, Inc. dba Super Center #4137, its owners, managers, agents and/or employees J. Doe 1-10 acted within the scope of their agency or employment with Walmart, Inc. Defendant Walmart, Inc. is vicariously liable for the acts or omissions of Defendants John Does 1-5.

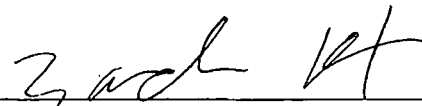
### III. DAMAGES

15. As a direct and proximate result of all Defendants' negligence, Plaintiff Joseph Jimenez has suffered substantial injury. Although Plaintiff resorted to medical attention and supportive remedies, his injuries, pain, and discomfort now prevail and will continue to prevail for an indefinite time into the future. It is impossible at this time to characterize the full nature, extent, severity and duration of said injuries, but they are alleged to be permanent, progressive and disabling in nature. Plaintiff as incurred and will likely continue to incur medical expenses and other expenses to be proved at the time of trial, all to his general damage, in an amount now unknown.

1 WHEREFORE, the Plaintiff Joseph Jimenez prays for judgment against the Defendants  
2 Walmart, Inc. dba Super Center #4137, its owners, managers, agents and/or employees J. Doe 1-  
3 10, and each of them, jointly and severally, in an amount that will fairly compensate him for all  
4 damages sustained, costs and reasonable attorneys' fees, pre-judgment and post-judgment interest  
5 calculated at the maximum amount allowable by law, and all other relief the Court deems fair and  
6 just.

7 Dated this 17<sup>th</sup> day of June, 2022.

8 Wattel & York, LLC

9  
10   
11 Zach J. Hansen, WSBA #41827  
12 Attorneys for the Plaintiffs  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23